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6 Attorneys for Plaintiff MICHAEL HARROSH

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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 MICHAEL HARROSH,

11 Plaintiff,

12 v.

13 TAHOE REGIONAL PLANNING AGENCY,  
14 GEORGE AND VIRGINIA JOHANNESSEN,

15 Defendants.

No. 2:21-cv-01969-KJM-JDP

**STIPULATION AND ORDER TO  
MODIFY DISPOSITIVE MOTION  
DEADLINE AND SET BRIEFING  
SCHEDULE FOR SUMMARY  
JUDGMENT MOTIONS ON THE  
ADMINISTRATIVE RECORD**

All parties to this action, through their counsel, represent and stipulate as follows:

1. This action was commenced on October 22, 2021. ECF 1.
2. On or about January 14, 2022, the Defendants moved to dismiss the First and Fourth Claims in the Complaint. ECF 14, 17.
3. On or about March 24, 2022, the parties filed a stipulation for dismissal of Plaintiff's Fourth Claim in the Complaint. ECF 28.
4. On March 25, 2022, the Court heard argument on Defendants' motion to dismiss the First Claim.
5. On November 8, 2022, the Court denied the motion to dismiss the First Claim. In the same order, the Court also approved the stipulation to dismiss the Fourth Claim, directed Plaintiff to file an amended pleading that omitted the Fourth Claim, and set March 10, 2023 as the deadline for hearing dispositive motions. ECF 48.
6. Plaintiff filed his First Amended Complaint on November 14, 2022, and the Defendants filed their Answers on November 28, 2022. ECF 52, 55, 56.
7. The parties met and conferred on December 7, 2022, regarding a briefing schedule for summary judgment motions on the administrative record, and agree that March 10, 2023, is too soon a date to feasibly have such motions heard by the Court.
8. Local Rule 261 would appear to apply to summary judgment motions on the administrative record in this case. Under that Local Rule, Defendant TRPA would be required to file the administrative record within 45 days of filing its answer, i.e., January 13, 2023. Local Rule 261(a). Plaintiff Mr. Harrosh would then have 45 days to file an opening brief, i.e., February 27, 2023. Local Rule 261(b). The Defendants would then have 45 days to file opposing briefs and cross-motion for summary judgment, i.e., April 13, 2023. Local Rule 261(c). Mr. Harrosh would then have 15 days to file a reply and opposition to the cross motion for summary judgment, i.e., April 28, 2023. Local Rule 261(d). Defendants would then have 15 days to file their reply in support of their cross-motions for summary judgment, i.e., May 15, 2023. Local Rule 261(e). At that

point, the motions would be deemed submitted without hearing unless the Court were to order otherwise. Local Rule 261(f).

9. The Court currently only has civil law and motion days available on January 27 and February 17, 2023.

10. The parties submit that it is not reasonably feasible for them to review the entire administrative record, resolve any issues that may arise over the contents of the record, and submit well-prepared briefing on all issues to be decided on the administrative record on or before March 10, 2023, and that the basic timelines of Local Rule 261 are a better approach to completing said briefing.

11. Based on the foregoing, the parties agree and suggest to the Court that good cause exists to modify the Court's November 8, 2022, Order that the parties have all dispositive motions heard by March 10, 2023.

12. In view of the foregoing, the parties propose the following briefing schedule, based largely on Local Rule 261 but with one modification to accommodate resolution of any disputes over the contents of the administrative record:

13. Proposed Schedule for Cross-Motions for Summary Judgment on the Administrative Record:

- a. Defendant TRPA to file the administrative record on or before January 13, 2023.
- b. Plaintiff Harrosh and Defendants the Johannessens to file any motions concerning the contents of the administrative record on or before February 13, 2023. Notice and briefing schedule for any such motion(s) shall occur per Local Rule 230 for noticed motions on the civil law and motion calendar.
- c. Plaintiff Harrosh to file his opening brief on summary judgment 45 days after compliance with any order resolving motions under subparagraph b above, or on or before March 30, 2023, if no such motion is filed.

- d. Defendants to file their opposition briefs and cross motions for summary judgment on or before 45 days following the filing of Mr. Harrosh's opening brief.
- e. Mr. Harrosh to file any reply and opposition to the cross-motions within 15 days of the Defendants filing their opposition briefs and cross-motions.
- f. Defendants to file their reply briefs in support of their cross-motions within 15 days of Plaintiff filing his opposition to cross-motions.
- g. The matter to be submitted at that time unless the Court sets argument or orders otherwise.

14. If the above schedule is not amenable to the Court, the parties respectfully request a case management conference to establish a schedule.

DATED: December 23, 2022      BRISCOE IVESTER & BAZEL LLP

By: s/Tony Francois  
TONY FRANCOIS  
Attorneys for Plaintiff Michael Harrosh

1 DATED: December 23, 2022

2 LEONARD LAW, PC

3  
4 By: s/Debbie Leonard (per authorization)  
5 DEBBIE LEONARD  
6 Attorney for Defendant Tahoe Regional  
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10 DATED: December 23, 2022

LAW OFFICE OF GREG GATTO

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12 By: s/Greg Gatto (per authorization)  
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15 Virginia Johannessen  
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**Order**

In light of the foregoing stipulation and the facts presented therein, the Court agrees that there is good cause to modify its November 10, 2022 order, setting the deadline for hearing any dispositive motions for March 10, 2023.

Accordingly,

- a. Defendant TRPA shall file the administrative record on or before January 13, 2023.
- b. Plaintiff Harrosh and Defendants the Johannessens shall file any motions concerning the contents of the administrative record on or before February 13, 2023. Notice and briefing schedule for any such motion(s) shall occur per Local Rule 230 for noticed motions on the civil law and motion calendar.
- c. Plaintiff Harrosh shall file his opening brief on summary judgment 45 days after compliance with any order resolving motions under subparagraph b above, or on or before March 30, 2023, if no such motion is filed.
- d. Defendants shall file their opposition briefs and cross motions for summary judgment on or before 45 days following the filing of Mr. Harrosh's opening brief.
- e. Plaintiff Harrosh shall file any reply and opposition to the cross-motions within 15 days of the Defendants filing their opposition briefs and cross-motions.
- f. Defendants shall file their reply briefs in support of their cross-motions within 15 days of Plaintiff filing his opposition to cross-motions.

It is so ordered.

Dated: January 4, 2023.

  
CHIEF UNITED STATES DISTRICT JUDGE